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Wenderoth Lind & Ponack, LLP
Suite 800
2033 K Street, NW
Washington, DC 20006

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OFFICE OF PETITIONS

In re Application of
Mizuta
Application No. 09/594,794
Filed: June 16, 2000
Attorney Docket No. 2000-0757A

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 3, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed June 27, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on September 28, 2002. A Notice of Abandonment was mailed on January 28, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. The appropriate power of attorney or authorization of agent should be submitted.

The Notice of Appeal filed April 3, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$465.00 extension of time fee submitted with the petition on April 3, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file is now being forwarded to Technology Center 1700.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions